

MEMORANDUM

TO: Bureau of Prisons
FROM: Reginald C. Lindsay, USDJ
DATE: July 6, 2006
RE: Luis Rodriguez

The attached excerpt from the transcript of the sentencing hearing of Mr. Rodriguez reflects a colloquy between the court and the court's appointed expert, Dr. Paul Gross a board certified neurologist, with a subspecialty in epileptology. The transcript records the opinion of Dr. Gross as to the protocol that should be followed to assure proper care of Mr. Rodriguez, who has a seizure disorder. Specifically Dr. Gross outlines the frequency with which Mr. Rodriguez should be seen by a neurologist. The court recommends to the Bureau of Prisons that, to the extent possible, the protocol for consultation with a neurologist, as recommended by Dr. Gross, be followed.

In addition, Dr. Sandra Howard, Medical Director at FMC Devens testified that, at her facility, there is a "buddy system" in which one inmate can be assigned to assist another who, because of a disability, requires assistance in his activities of daily living. She testified that the Bureau of Prisons could make arrangements for Mr. Rodriguez to be monitored by a "buddy" who could assist Mr. Rodriguez in getting help should a seizure occur and in reporting the number and nature of seizures to the treating neurologist. The court recommends that, to the extent possible, Mr. Rodriguez be assigned such a "buddy."

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2 correctly in my mind that your recommendation is that
3 Mr. Rodriguez be under the care of a physician, ideally an
4 epileptologist, that he have appropriate medication, and that
5 he be regularly seen by the epileptologist or a physician, and
6 that he be monitored so that when he sees his physician a
7 reliable report can be made of his condition.

8 THE WITNESS: Yes, your Honor. Could I elaborate
9 on the point about the epileptologist?

10 THE COURT: Yes, please.

11 THE WITNESS: I -- you know, when asked I think --
12 I forget the exact wording -- I was asked what the absolute
13 best treatment for him would be.

14 THE COURT: Yes.

15 THE WITNESS: And I think that would be to see a
16 neurologist or an epileptologist. But probably 95 percent of
17 people in this country are not seen by an epileptologist but
18 are seen by a neurologist. I think it would be reasonable for
19 him, to be followed by a neurologist.

20 I think it would be substandard care to be seen by
21 a general physician who doesn't have familiarity with neurology
22 and neurology drugs.

23 THE COURT: So if he has a neurologist and
24 monitoring in the manner we've discussed and appropriate
25 medication, how often should he have a consultation with a

1 neurologist?

2 THE WITNESS: It's a little hard to answer, your
3 Honor, because it depends on how he does. But, roughly
4 speaking, I would probably see Mr. -- just putting myself in
5 that situation, I would probably see Mr. Rodriguez once every
6 two months or so for three or four visits, and then spread it
7 out to every six months for three or four visits, and then
8 perhaps more or less frequent depending on how well he's doing.

9 THE COURT: Once every two months.

10 THE WITNESS: Two months, maybe three or four
11 times, then every six months three or four times.

12 But if -- for example, if he continued to do poorly
13 and have a lot of seizures, then I might see him monthly.

14 THE COURT: Okay.
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